

Asa Clark, Corning Officer, Slain in Fight with Bandits

All the Murder Gang Are taken by Officers

Brave Watchman Wounds Gangster

Clark Fires One Shell to Effect, Then Falls to Sidewalk, Shot Through the Heart

Two Admit a Part in Crime

Hid in Tenant House

Officers Run One Man Down; One Taken Wounded; Third Captured after Man Hunt; Fourth Surrendered

(by Jay Adriance)

Asa N. Clark, 60 years and 10 months of age, watchman was murdered early Tuesday morning on the principal street of Corning, just west of the Lueck store, when he surprised several men in a burglary attempt.

Four men have been arrested in connection with the murder, including Wesley Biggs, 44 year old ex-convict, who has a fresh bullet wound in his thigh believed inflicted by the watchman before the fatal shot was fired. Biggs served in prison from Brown county. The others are a youth who gives his name as Raymond Orr, age 22, Auburn, Nebr.; John Harding, 34, who says his people live in Manistee, Michigan; Ernest Hundley, 31. Hundley's wife, was also placed under arrest. The Hundleys have lived at various places including Hiawatha and Sabetha, and moved southeast of Corning four months ago.

John Harding has admitted to officers that he was present when the watchman was killed, that he fired a shot, though he says into the air and that Biggs and Orr were also present.

Harding states they intended a burglary in Corning. He says Hundley was not in the group. It is believed a small house, eight miles southeast of Corning, rented by Hundley and the ex-convict Biggs, was intended as the gang hide-out. All but Hundley were arrested in or near the place Tuesday.

The body of Asa Clark, five years a Corning watchman, was found at 6:30 Tuesday morning by George Cozad, who called Orville Hannum. Cozad carries mail from the depot to the post office. Clark was lying on the sidewalk between the Lueck store and the Steck service station, his .32 calibre pistol under his hand, a cane near his arm, carried because of an artificial foot. There was no blood under Clark, who wore a sheepskin, a jacket and other heavy clothing for protection from the cold.

When Clark was picked up, a copper jacketed .45 calibre, bullet dropped from the inside of his sheepskin. It had gone through his chest from right to left, striking the heart. Clark must have fallen right where he was shot. His own .32 automatic was short a cartridge. The empty shell of a .32 was found several feet away in the area between the store and the service station south of the body. The ejector of Clark's automatic had probably flipped it though he may have been standing in the areaway when he fired.

There was no doubt the watchman's bullet had taken effect. Residents heard two shots at three o'clock; three and a half hours before the body was found, followed by moans which must have come from the man the marshall wounded, but no investigation was made until daylight.

In the morning light a trail of blood was discerned. It led from a few feet from where Clark fell, across the street to the north then along the west side of Hybskmann hardware, and on two blocks north, then for a block down the angling road along the tracks to a point where Highway 63 comes in at the northwest corner of town. The trail ended there, where the wounded man had evidently reached a car. He had lost a great deal of blood in the three blocks. It showed on walks and heavily on the skifts of snow. The print of a left shoe in numerous places was rimmed with blood. Footprints of three men were found.

County officers were notified. An inquest was called by Coroner W. R. Popkess, Sabetha, and was well under way in the office of Dr. [?] M. Myers, when a telephone call came of new events near Soldier. County Attorney Lanning had the inquest continued for the further information.

All morning Corning had been afloat with rumors a blood-marked car had been found, men had been arrested, and so on. The story of what actually had been

done did not clear until the afternoon, then showed the value of having peace officers who keep eternal vigil. Only remote leads carefully followed led to the finding of the wounded man Biggs, and capture of the others.

Under Surveillance

Five miles south and three east of Corning is a small house on farm land owned by the Capsey estate.

There had been suspicion in the neighborhood that all was not well at the place since the house was rented months ago. Strangers came and went.

Several weeks ago Sheriff C. E. Carman heard a man named Biggs had numerous weapons in a house somewhere near Goff.

Later came more definite report of the Capsey place rented by Wesley Biggs and Ernest Hundley, it was decided next time there was a filling station robbery or other criminal activity the place would be given a scrutiny.

When sheriff and deputies heard of the murder Tuesday morning, the first thought was to drive by the place. At that time it was believed a Nebraska car, stolen in Seneca, might have been used by the murderers.

Lawrence Swartz, deputy reported to Sheriff Carman at Corning. The Sheriff sent Deputy Herman Mohringer with him back to the place.

Mohringer and Swartz drove into the yard. They saw a car, an Essex, bore 57-county Nebraska plates. The car stolen at Seneca had plates from another county.

The deputies drove out to the north, their checking of the car completed, but still watchful. They parked further up the road.

They saw two men who had evidently jumped from the rear of the house at the deputies approach. The two were now circling back toward the house and the Essex car.

The two jumped into the car, started, the deputies waiting to see which way they would turn, after reaching the road. The house sets near crossroads. The Essex was turned south, then onto a little-used road to the east. Mohringer and Swartz, convinced by this time there was some serious reason for the action of the others, pursued. The Essex was driven through the mile, then north, impeded somewhat by rock crushing along the road. Fred Frederickson's truck was in the way at one time. The deputies rapidly closed up the space between their car and the Essex.

Near the northeast corner of the section, they had been bordering, the Essex plunged to the side of the road and the occupants ran to the west. Mohringer and Swartz opened fire with their shotguns. The youth who gave his name as Orr lay down.

Swartz covered and took this youth while Mohringer ran after the other, who outdistanced Mohringer and could not be stopped by the pump gun.

Warnings were given over telephone lines, by word of mouth and volunteer possemen were soon at hand. The men crushing rock laid off work to join the hunt.

In the house from which the two had fled, Wesley Biggs was found lying on a cot, a bullet wound high on the inside of his left thigh. He was the only man. Mrs. Ernest Hundley was there, with her three children.

Volunteer possemen continued to arrive and drive about the surrounding sections and stop at the house. Men who bristled with heavy revolvers, army rifles, little .22's, shotguns, ranging from old single-barrels to wicked sawed-off pump guns. There were knots of men in the roads at points of vantage in the fields, others in the timber. There were plans to comb the territory thoroughly. The section itself offered a great deal of cover and that to the south has considerable timber growth.

With 10 or 15 cars of men about the house near two o'clock in the afternoon, a honking car drew up, the drier shouting the report a man walking through a field had been seen by Buck Holt who lives on the Ontario road, southeast of the Hundley-Biggs house. Men filled cars quickly. At Holt's place, Mrs. Holt said no one had called from there, that they did not even have a telephone. It was later found Holt had seen the man from another place and called from there. At another neighbor's it was said a man had been seen afoot, caught a ride on a truck a short distance then continued on to the east afoot. The cars sped on, that driven by William Gleason in the lead. It was not a false trail. A tough-looking man was plodding down the road east of Ontario. He was halted and searched. He carried a .38 revolver. Car after car was close on Gleason's in the capture. The man was Harding, who afterward admitted participating in the crime.

Hundley Surrendered from Parents' Home

When Mrs. Ernest Hundley was taken into custody Tuesday, she told officers her husband had left early in the morning, she thought to work in timber near Holton.

Sheriff Carman planted a guard of four men with shotguns at the Hundley Biggs place after all other arrests had been made. It was hoped Hundley would return to the trap.

Hundley nearly did. He came through Soldier in the evening and bought groceries. He came to a hilltop south, where he could see his place. Spite of all the officers could protests sight-seers insisted on hanging about the place. Hundley saw cars. He turned his car. The action was seen and the sheriff's office called. Sheriff Carman called Hiawatha, thinking Hundley might make for the home of his brother, Joe, or that of his parents, Mr. and Mrs. W. A. Hundley, three miles south of Fairview. The Brown county sheriff and his men drove to the senior Hundley home. They waited for sometime and then returned to Hiawatha, reporting back to Seneca Hundley had not appeared. Shortly afterwards, Mrs. W. A. Hundley, mother of Ernest Hundley, telephoned Seneca. She talked to Deputy Frank Huerter. She said if Ernest Hundley was wanted, he would be at the home near Fairview the next morning. Deputy Huerter put some good use to the phone. Mrs. Hundley acknowledged her son was at the place then. Hiawatha was called again and Sheriff Mellenbruch and his men took Hundley into custody. Hundley said he had been to Atchison to see about moving there.

Still in the House

The barely furnished four-room house in which the wounded Biggs and Mrs. Hundley and her children were found, contained a small whiskey distilling outfit. There was the odor of sour mash all through the house. In a small room to the east there were barrels, one filled with grain and liquid. The still was a few feet away in a cave. The boiler was copper, made in much the same style as those taken in the noted raid east of Kelly some two years ago, though much smaller. The coil ran through a drum of water that was still lukewarm Tuesday afternoon, though no whiskey was found.

Heard Shots, Moans

It is a strange thing how two shots could be fired in Corning, moans be heard and yet Asa Clark lie on the sidewalk more than three hours before his body was found. But it is simply a thing that happened. Corning residents could little be expected to be on the lookout for Chicago crimes. Corning has long been one of the most peaceful towns in Nemaha county, perhaps in the state. The law is scarcely ever called to Corning.

A week or so ago shots were heard in the night when some resident became tired of a prowling dog. A. J. Clem and wife, three blocks east, who heard one of the

shots Tuesday morning, thought the same thing happened again. Doubtless so did others.

The Ray Rankins, who live east of the bank, about a block east of the shooting, heard two shots, one sharp, one as if muffled, so close together they might have been fired from the same gun. The Rankins noted it was three o'clock in just a few minutes. They thought if there had been someone shot a doctor would be called and they did not leave the house.

George Cozad, his wife and her sister, at the O.A. Miles home, north of the Hybskmann store, heard the shots, heard an oh-oh of a man moaning. Cozad did not get up, having lost sleep from a tooth extraction. Dean Steck and wife, who live just south of the Steck service station, also heard the shots and moaning but did not leave their house. It is thought the wounded assailant moaned as he fled, since Mr. Clark must have been killed instantly.

Ballistics Important

Ballistic experts say every gun has some peculiarity in the boring or in the way it is worn, so that the bullet shot through the barrel is marked as surely as fingerprints mark a man. Given a certain bullet, ballistics experts can fire cartridges from a gun in question and determine if it is the same which fired the first bullet.

Luckily, both bullets shot in Corning are in evidence. The copper jacked slug which killed the marshal was picked up where he lay. It can be determined if any of the guns found on the men or in the car fired the bullet. Likewise the bullet which struck Biggs extracted from his thigh, may be used to show if it came from the watchman's gun.

Orr First

Orr, captured first, was brought immediately to Seneca by Sheriff Carman Tuesday morning. Biggs was left at the house, as were Mrs. Hundley and the children until Dr. Myers came from Corning to see if Biggs might be taken to jail or would have to be taken to a hospital. Dr. Myers stated as far as he could see Biggs might be brought to jail. The physician dressed the wound and administered a small quantity of drug to ease the pain. Biggs was weakened by the loss of blood but not in critical shape. Officers took no changes. He was handcuffed as he lay on the cot. Deputy Sheriff Rank Huerter brought Biggs and the Hundleys to Seneca in his car. When the third man was captured later in the afternoon he was taken to Seneca by Sheriff Carman.

Hundley, Biggs Paid Rent

The Capsey estate place on which the small house stands is handled by Elton Allen. ASlen said Ernest Hundley talked with him and rented the place, and paid the first month's rent but since that time the rent had been paid by Biggs.

Stone Hammer Found

Referring back to the scene of the slaying, there were only meager indications a burglary was planned and that Clark appeared as preparations were made. However, this seemed the only logical interpretation. A steel-headed hammer, probably of three-pound weights, such as is used in breaking stone, was found at the side of the Lueck store, some 30 feet from the watchman's body. No places of business showed any attempt at entry and had yet been made. The hammer is mentioned in the story of Harding's statement.

Murder in the First Degree

At Least Three of Gang Face That Charge

County Attorney Harry A. Lanning will charge Wesley Briggs John Harding and Raymond Orr with murder in the first degree for the slaying of Asa Clark, Corning night officer.

Mr. Lanning was studying the case and taking statements yesterday with a view to connecting Ernest Hundley with the crime. While proof was lacking that Hundley made the trip to Corning in the murder car, he did provide a refuge for the criminals after the deed was committed. There is some chance Hundley might be involved on this score.

The county attorney does not believe it will be necessary to continue the inquest, started by Coroner Popkess and adjourned pending further developments.

Mr. Lanning said the four men are entitled to a preliminary hearing as a matter of course. He did not indicate when that hearing will take place. It is too early to state whether the charges will be brought jointly or individually. Mr. Lanning will charge first degree murder with a view to life sentence. Should it happen, however, that a jury returned a verdict of second degree murder, it would still be possible for the judge to give a life punishment.

Admits He Was in Gang

And Fired a Shot

John Harding Has Been in Previous Difficulty — Says His Car Was Used

John Harding, who first gave his name as John Al Sart, the third man to be arrested in the Corning murder case, captured as he walked down the road a mile and a half east of Ontario Tuesday afternoon, was the first prisoner to talk.

Under informal questioning by County Attorney Harry A. Lanning Tuesday evening, Harding not only admitted he was at the scene of the shoot, but also stated he fired a shot. Harding says he fired into the air. But if it can be established only two shots were fired and the watchman fired the other, then it was Harding's bullet which killed Asa Clark. However, it was reported yesterday some Corning resident believed three shots were fired.

Harding says Orr and Biggs were with him, the three out to "rob something." The fatal shot must have been fired by Orr or Biggs, according to Harding. Harding says the three were scattered. He says the maul found lying at the side of the Lueck store was his own and that he had left it there and hand gone completely around the Lueck store and was near the north side when shooting began. He fired into the air. He says the watchman lying on the sidewalk. He helped Biggs, who was wounded.

The car used was Harding's, he states. This was the Essex which ran in the ditch Tuesday morning. Harding said it was parked near the Corning cemetery. After reaching the corner of town someone must have gone after the car while Biggs, perhaps with another, waited for it to be brought.

Harding said they drove to Hundley's place but that Hundley was not in Corning and had nothing to do with the whole thing.

When Harding was captured he wore a .38 double action revolver. "I always carry a .38 revolver," he stated. Evidently he was seeking to show the .45 bullet which killed Asa Clark was not fired by his gun. But Harding later admitted a .45 found in the Essex car was his.

Harding's statements were made with a feeling that Sheriff C. E. Carman knew him and knew he had been in previous trouble. Harding first gave the name of John Al Sart and talked little, then admitted his name was Harding. Sheriff Carman then placed his prisoner. Harding was arrested at Wichita a year ago this month with Harry Hughes and Ernie Bishop, when it was suspected furs they had attempted to sell were stolen from Sabetha. Sabetha fur men could not identify the pelts but Hughes was tried for another fur theft. Bishop and Harding were

released. Hughes was acquitted but later was connected in a wool theft near Topeka and is now in prison.

After Harding had admitted his identity he replied to other questions asked by the County Attorney, as stated before.

Another item tells of questioning of Orr and Biggs. Raymond Orr had asked the officers a surprising question when he was being brought to jail. With no remarks being addressed to him, he suddenly asked officers if they had followed a trail past the elevator. The blood trail supposedly left by Biggs passed near the elevator in northwest Corning.

Courier Tribune (Seneca, KS)
15 Jan 1934
page 1

Murder Is Being Solved

Orr in a Statement

Known that Watchman Fired, But in Confusion Biggs was Shot by Fellow Thug

Orr Confesses

Raymond Orr, 22, who first told officers a fanciful story, has confessed the entire story of the Corning murder to Sheriff C. E. Carman and County Attorney Harry A. Lanning. There is a possibility the members of the murder gang may feel they have nothing to lose in going to trial and the officers which to withhold the exact details of the confession so false alibis cannot be prepared. It is probably sufficient to say that Wesley Biggs, John Harding and Raymond Orr, together in their plans to rob, are equally liable in the eyes of the law regardless of who fired the shot. With Orr's confessions each of the trio has now admitted participation in the crime. When the complete story can be told it will show Asa Clark as an unusually brave and fearless officer, a man who would not surrender in the face of death. The story with follows was written before it was known Orr had made a confession.

Asa Clark, slain last Tuesday morning at three o'clock as he made his rounds as Corning watchman, positively fired a shot from his .32 automatic before he was fatally wounded, but it was not Clark's bullet which struck Wesley Biggs, the ex-convict, causing Biggs to leave a blood trail for three blocks and confirming Biggs as a guilty man when he was captured.

Biggs was shot by one of his own companions in the confusion which followed the appearance of the watchman.

The bullet which went so far into Biggs' thigh from the front that it was near the surface at the back and was easily removed by dr. S. a. McCool, county physician, was a .88, not a .32. Since the watchman carried a .32 it was supposed at first glance the pellet was of the same calibre, though it was longer than most .32 leads. But it does not fit into an empty .32 cartridge. It does into a .38.

Asa Clark, perhaps surprised and covered by the gun of a hidden thug, nevertheless fired once, for an empty .32 cartridge was found several feet from his body and one more shell could have been crowded in to completely fill the magazine of his automatic. It really is immaterial that he did not would a bandit; he gave his life to his community, his weapon in his hand and facing danger.

J. Wesley Biggs, John Harding alias John Al Sart, and Raymond Orr are each charged with first degree murder in the complaint which County Attorney Harry A. Lanning has filed with Justice Nellie Rooney. A preliminary will be held if the men desire. They have not yet been arraigned.

A single complaint is brought against the three. The complaint is divided into three counts. Each count states Biggs, Harding, alias Sart, and Orr, made an assault on Clark with a .45 revolver and killed him. The first county then proceeds that Wesley Biggs held the revolver in his hands and did then and there unlawfully, feloniously, deliberately, premeditatedly and with malice aforethought kill the watchman.

The second count states the revolver was in the hands of Harding, alias Sart; the third that it was in the hands of Orr.

The complaint also brings in the know record of Biggs as a previous offender, stating in 1932 he was sentenced to the state prison from Brown county for grand larceny.

To prove murder in the first degree it will be necessary for the state to show the killing was premeditated or committed in the commission or attempts of a fel

page 2

ony. However, sentence could be placed at life for second degree murder.

Ernest Hundley has not been included in the murder complaint filed. While it is believed the place where the Hadley family lived and on which Biggs also paid rents, was a regular hide-out for the gang, there is difficulty in bringing charges against Hundley that would carry much penalty.

Meanwhile, County Attorney Lanning has charged him with four liquor counts because of the still found in the Biggs-Hundley hide-out house eight miles southeast of Corning.

In addition to regular counts of possession and nuisance, the county attorney charges. Hundley brewed and made mash and wort capable of distillation and intended for production of spirits; possession of a still and apparatus for the purpose of distilling alcoholic spirits.

Hundley is held in jail at Hiawatha, as well as John Harding, who was taken there so as to separate the prisoners.

Since the last issue of The Courier Tribune, there has been little development in the stories of Harding and Biggs. They have admitted being at the scene of the crime, and state Orr was with them. Biggs says he asked the marshall where he was going, then was shot in the leg and fell. Harding says he heard shooting fired a shot into the air. Our first told of him going to Hundley's in the evening, then that he fell asleep and knew little until Harding called to him to run with him in the morning. Officers saw fanciful details in the story. For instance, Orr had known Harding some months but only as "Shorty." However, Orr's statement he and Biggs and Harding were at the Hundley-Biggs place before the crime may be an important part. The Hundley story is that the men simply came to the place in the night. Orr's inquiry about finding a trail in town near the elevator, was considered incriminating. Orr asked the question of officers just after his arrest.

Joe Hundley, Sabetha, is caring for the Ernest Hundley children. Mrs. Hundley is still under arrest. She will be so material a witness that if she is released a subpoena to appear as witness will first be served on her and bond to appear may also be required.

W. R. Popkess, coroner, has dismissed the coroner's jury from further service.

Biggs, the wounded man, has had some trouble with his leg but has not been in a critical condition.

Robbed at Wheaton

The Friday night before the murder, members of the gang committed two robberies at Wheaton. There can be little doubt of this. The Tunison garage had the numbers for the army rifle and the .41 calibre pistol found in the Essex car which Harding says was his and was used at Corning. A Monarch battery stolen from the garage was also in the car. Two sheep-lined coats, a zipper jacket, shirts and shoes, part of these articles worn by the trio, answer descriptions of articles taken from the L. R. Bushey general merchandise store. Labels had been torn from the garments in an effort to prevent identification. It is estimated \$150 worth of merchandise was taken from each place in Wheaton. Orr has admitted a part in the robberies.

News of the murder spread rapidly and many persons have called or telephoned concerning crimes. Included in calls was an inquiry from New Bedford, Iowa where an Orr had escaped jail some time ago. Numerous persons have been at the jail, seeking a glimpse of the criminals, wondering if some stranger who has attracted their attention is not in the group. Others believed they could get something from the men in conversation. Officers at the jail are courteous but it would be an impossible task to let all interested see or talk with the prisoners. They are not on exhibition.

Orr Indicated Biggs Fired Fatal Shot

Under the headings of the article on the first page it is stated Raymond Orr has confessed, though full details are not made public. Orr talked first to Virg Hill, a reporter for the Hiawatha World. Hill came to Seneca with the Brown county sheriff, who talked to Biggs, formerly sent to prison from Brown county. Orr had been left alone for some time and had evidently thoroughly considered his situation. The Hiawatha paper reports:

Sullen, plainly determined to keep silent, Orr has played dumb since his arrest, but Friday night he admitted to a World reporter that he was in Corning at the time of the shooting. "I carried a .45 in a holster, a sawed off shotgun in my hands," he said, "but I never took that .45 out of the holster. You believe that don't you? I couldn't have killed that marshall, even if a .45 did kill him." He was asked about Harding. "He carried, a .38 special," Orr said. "That was the only gun he had." Asked about Biggs, he said, "He had a .38 in his holster, had a .45 loose in one pocket. Now what do you think?"

Orr's full confession was taken later.

It is not believed Biggs fired after he was shot. If Biggs fired the fatal bullet, then it may be supposed another of the thugs saw a man fall and thinking the fallen man was Biggs, fired at the remaining figure, inflicting Biggs' thigh wound.

Courier Tribune (Seneca, KS)
18 Jan 1934

Bonds Set at \$50,000 Each

Arraign the Three

Preliminary Set for Friday of This Week — Will Be Brief

J. Wesley Biggs, John Harding and Raymond Orr were arraigned Tuesday evening at Seneca by Justice Nellie Rooney for the murder of Asa Clark Corning watchman.

Under the arraignment preliminaries were set for this Friday, though it is stated county Attorney Lanning may have other work which will change the hearing a day.

On Mr. Lanning's recommendation, Justice Rooney fixed the bond for each of the three at \$50,000. There is no likelihood of bond being furnished.

The preliminary hearings for the trio will be but a formal gesture. Each of the three has admitted to officers he was on the scene, though none has admitted he fired the fatal bullet. It will take only brief testimony from a few persons to bind the three over to the district court.

It was not suggested to Biggs, Harding or Orr Tuesday that preliminary hearing be waived. In fact, Mr. Lanning will insist it be held. This is a most serious offense and the county officer wish to proceed step by step, encouraging the three to exercise the privilege of a preliminary hearing, so there can later be no complaint railroading. The alleged murderers have no attorneys. It is expected they will be unable to engage any and that attorneys will be appointed for them when the case reaches district court. Harding and Biggs might need no one to advise them should they decide on a plea of guilt and not stand trial but counsel would undoubtedly be appointed for Orr because of his youth.

Harding has been kept in jail at Hiawatha. He was brought to Seneca Tuesday for the arraignment, then taken back to Hiawatha. Ernest Hundley is also in jail at Hiawatha, separated from Harding. Hundley has not been charged in connection with the murder but four liquor counts have been brought against him direct from district court.

Biggs and Orr are in jail at Seneca. They are also separated. Deputy Sheriff John Taylor stays with the wounded man, Biggs, day and night. Biggs is getting along all right with his bullet wound though his loss of blood left him weak.

A literal reading of the statutes discloses that first degree murder may be charged when there is premeditation or malice aforethought. It may also be charged when murder results from an attempt to commit some other felony like burglary, arson and so forth.

If one were to apply the statutes as literally as they read, there might be some difficulty in charging the Corning murder trio with first degree murder, owing to the trouble improving they premeditated killing Mr. Clark. However, the courts have ruled broadly on this point. A reading of court opinions shows that the design of the three when they went to Corning to loot will play an important part. They conspired to do a burglary in Corning; they had this design. In the furthering of this design, Clark was slain. This, Mr. Lanning believes, will constitute sufficient ground work for a first degree murder charge, especially in view of the fact that all were heavily armed.

Aside from the matter of premeditation, it seems probable the state will be able to show the men actually were committing a felony when the fatal shot was fired. This will be disclosed by the evidence, it is believed.

There is some chance that parents of Raymond Orr, Auburn, Nebraska, may provide an attorney. If the defendants cannot hire a lawyer, it will be up to Judge Ryan to appoint one.

The Corning Gazette (Corning, S)
18 Jan 1934

Obituary

Asa Neul Clark, son of Joseph N. Clark and Pheba Ann Clark, as born February 15, 1873 at Havensville, Kansas, and his life was brought to a close early January 9, 1934, while he was fulfilling the duties of his office as night watchman and marshall for the city of Corning, aged 60 years, 10 months and 25 days.

HE joined the Christian church at Havensville at the age of twelve years and was a member of that church until his departure to join the Church Triumphant, eternal in the Heavens.

He was married in 1896 to Miss Helen McMullen, of Avoca, Kansas. Besides the wife he leaves to mourn, one brother, Ora Clark, of Corning; a sister, Mrs. I. O. Lederer, of Holton; one half brother, Ray Clark, of Corning; and two half sisters, Mrs. Goldie Harris, of Havensville, and Mrs. May Harris, of Goff.

His father, mother, seven sisters and brothers and step-mother preceeded him to the Heavenly Home.

Mr. Clark had lived near Havensville and Corning all his life, moving to Corning from Havensville in 1917.

About June of 1928 he assumed the duties of City Marshal and night watchman. In this office he had proven himself unusually faithful. His chief duty was to guard city property. However his work went further, for, as he watched over the business section he would just as quickly guard homes if occasion demanded. He served the city, it is true, but he also served the community as well.

Mr. Clark was very faithful to the Methodist church. He had been caretaker of the church for several years. He also served as trustee of the church and treasurer of the Sunday School.

He had planned to go to his home early Tuesday morning to rest that he might be able to have the church in readiness for a funeral that afternoon.

He was faithful to his duty; faithful to his wife; faithful to his fellowmen; faithful to his church, and through his faithfulness he has proven himself faithful unto his God.

Of all the unselfish and kindhearted Christian men, it has been the writer's privilege of knowing, he was the noblest. Wherever he could do anything for his loved ones he was always at his post, encouraging and passing on his love and cheer. We all feel better in having known of his life and unselfish love. When we knew him; we could not help but love him. His life will live on in the good seed he has sown.

He has treasures laid up in Heaven we know not of. A place on earth has been made vacant, but a place in Heaven has been filled by our fallen brother.

The funeral service was held at the Corning M.E. Church Thursday afternoon, January 11. The Rev. C. L. Harder, pastor of the church, officiated assisted by the Rev. Glenn Cain, of the United Brethren church of Corning.

...

The pall bearers were O. G. Hanum, H. w. Wessel, j. W. Hybskmann, James Clark, George Kerns and Arthur Werner. These men were representatives of the City and Sunday School which Mr. Clark so faithfully attended.

The body was taken to Havensville for internment and laid to rest in the cemetery near the departed loved ones. Many Havensville friends had gathered at the cemetery to pay tribute to their friend and former neighbor.

Courier Tribune (Seneca, KS)
22 Jan 1934

Held to the March Term

Bond Remains \$50,000

Preliminary of Murder Gan Friday Confined to Bare Outline of Case

County Attorney Harry A. Lanning disclosed just enough of the state's first degree murder charge to show Judge Nellie Rooney a crime had been committed and that all reasonable conclusions pointed to the defendants as the murders of Asa Clark, Corning nightwatchman, early the morning of January 9th. That was the net result of the preliminary hearing for Wesley Biggs, John Harding and Raymond Orr held Thursday.

Judge Rooney fixed bond at \$50,000, the same as that which followed their arraignment Tuesday night. There is no chance bond will be furnished nor did the state intend there should be liberty for the three pending their trial.

The hearing was held in the upstairs bull pen of the county jail, a room just large enough to seat the score or more of county officials, witnesses and spectators.

Sheriff Carman and Mr. Lanning drove to Hiawatha and brought Harding here. The first degree murder charge is a joint complaint. The three are held equally culpable — just as culpable as if each had held the gun which took the life of Asa Clark.

There was little formality in the hearing for the defendants had no counsel. However, the state took this into full consideration. It would have been possible for the County Attorney to request the defendants to waive a preliminary. They

would have agreed to this for it really made no difference to them. Mr. Lanning preferred, however, to give all statutory privileges to guard against possibility that at some future date, lawyers for the defense might set up a claim their clients had been deprived of their rights.

Justice Rooney was no less careful in conducting the hearing. She first told the three prisoners they were entitled to counsel. After Mr. Lanning finished his case, she granted them the privilege of introducing testimony. Mr. Lanning also told the prisoners, after each witness had testified, they might ask questions if they chose.

Orr, the 20-year old youth, simply shook his head each time; Harding came out with a positive “no” while Biggs lay on his cot, gulped, answered “no” once or twice, then contented himself with a negative shake of the head. Biggs found his throat getting dry as the witnesses told of seeing the body of Clark Biggs reached for a tin cup of water.

Wesley Biggs generally is considered NO. 1 bad man. This is because he has served time and is believed to be the one who actually shot Clark, but Harding impresses observers as the dangerous man of the band. He walks with a spring in his arches, his movements show he has an alert mind. It will be remembered it was Harding who came the nearest to a getaway in the Corning man hunt.

Biggs would rate No. 2 bad man. His face is seared with deep lines with almost no redeeming features. But Biggs looks tired — one might say, burned out. While he has been making a satisfactory recovery from his wound, plainly he has lost flesh since January 9th.

The preliminary was held in the bull pen where Biggs reclines on a cot because it would have been inconvenient to move him.

As for Orr — called the boy — it appears to be just another case where a youth was “sucked” into a crime career by evil associates. The boy doesn’t look like a killer but nevertheless it is to be remembered that he stood on the street at Corning that morning with a sawed-off shotgun in his hand. He may be tougher than he looks. His face shows no great degree of intelligence. The fact that his people at Auburn have not manifested interest in his case may be some evidence that he has been disowned.

Mr. Lanning and George Cozad and Dr. S. M. Myers to establish the fact the body of Mr. Clark was found; Dr. Myers to testify that a .45 calibre bullet cause death; Sheriff Carman to relate that Orr told him Biggs had a .45 calibre gun. The Sheriff also sketched conversations with the three in which all admitted they were in Corning the morning of the crime.

Mr. Lanning used L.L. (Deak) Swartz and Herman Mohringer, deputies, to relate briefly how they saw Harding and Orr in a row of maple trees at the Hundley hide-out; how they saw the pair leave the Hundley place in the Essex car; how the car was ditched in the chase which followed; how Orr surrendered and Harding escaped through the fields.

Mrs. Ernest Hundley repeated the story she told newspaper men the day of the shooting. She again denied her husband left their home that night. She said Biggs and Harding had been at their home two or three times but the morning of the 9th was the first time she had seen Orr. She asserted Biggs and Harding had not been at their home for two or three weeks before the morning of the 9th when they asked to be let in.

Mrs. Hundley's presence as a witness at the trial in March was insured by the County Attorney when he announced he would issue a subpoena for Mrs. Hundley and asked \$500 bond of her. Mrs. Hundley's attitude indicated she would be able to furnish it.

The state disclosed little of its evidence at the preliminary hearing. The officers have statements from all three men for they have talked freely. The exact story of the shooting of Mr. Clark will not be printed unless the murder gang admits guilt or until a jury is called.

Sheriff Carman quoted Orr as saying three or four shots were fired. Harding told the officer he is not positive but thinks there were not more than three. Biggs said there were two or three.

All three told the sheriff at different times "they were there." The sheriff quoted Biggs to the effect "they went to Corning to rob something."

Courier Tribune (Seneca, Kansas)
29 Jan 1934

Fear Pneumonia So Biggs Is Taken to the Hospital

Wesley Biggs, ex-convict charged with Raymond Orr, and John Harding of murder of Asa Clark, Corning, was taken from jail at Seneca Saturday evening to St. Anthony's hospital, Sabetha. Biggs' bullet wound is apparently not troubling him but he is weak and when he began to complain of pain near his ribs it was feared pleurisy or pneumonia might set in. Though Biggs is weak, no chances will be taken at the hospital. He will be guarded continually.

Last week another hide-out for Biggs, Orr and Harding was discovered near Delphos, Kansas and practically all loot stolen from the Bushey general store and Tunison garage at Wheaton, a few nights before the Corning crime, was recovered.

Sheriff C. E. Carman, talking with Harding at the Brown county jail, learned where the loot could be found and relayed his information to the Pottawatomie county sheriff, who drove to Delphos, brought back a car load of swag. Some clothing and guns found when the three were arrested also was from Wheaton robberies. The principal thing unaccounted for was a four barrel old revolver, prized as a keepsake, taken from the Tunison garage. The loot was in a house near Delphos. No other arrests are expected.

Courier Tribune (Seneca, KS)
1 Feb 1934

Biggs Died This Morning

Fired Fatal Shot?

Theory Is that Biggs Shot Marshal Clark When He Would Not Surrender

Wesley Briggs, 44, ex-convict charged with first degree murder for the shooting of watchman Asa Clark at Corning, died this morning in Sabetha hospital, the victim of a bullet wound and exposure the night the Corning crime was committed.

With Briggs' death, county officers this morning stated they were satisfied Biggs was he man who pulled the trigger on watchman Clark. They have had material to support this for some time in the confession of Raymond Orr and more lately from John Harding, who indicated he wanted to see fair play in the trial and would not stand to see the youth, Orr, given undue blame.

The theory is that Asa Clark, the watchman, was surprised at Corning as he made his rounds. As he came from the west along the Steck service station, Biggs was hidden behind the corner of the building. Biggs stepped out, according to this theory, demanded the watchman surrender, but Clark would not. He reached for his own gun. Biggs grabbed Clark's gun hand. They wrestled. Clark Feed himself, firing his gun. Biggs stepped back and fired the fatal shot.

How much of this theory could have been proven will of course never be known. Had Biggs been tried, the others might have been able to escape giving testimony, as co-defendants. The admissibility of statements might have made a legal fight. It

would be hard to say the state could have actually proved Biggs fired the fatal shot. But the state case would have pointed in that direction. Biggs' fate is now in a Higher Court.

Raymond Orr and John Harding remain charged with first degree murder. Harding likely shot Biggs, but if so it was an accident and will play little part in the cases against Harding and Orr.

Ernest Hundley, whose home was the house where Biggs was found, has not been charged other than with liquor counts for a still in the house. Hundley has been held in Hiawatha jail. Mrs. Hundley has been released on bond of \$500 to appear as a witness.

Courier Tribune
26 Feb 1934

Orr 20 Years, Harding, 40

The Sentence Today

Each Pleaded Guilty to Second Degree for Murder of Asa Clark

Raymond Orr was sentenced to 20 years, John Harding to prison for 40 when they pleaded guilty this morning to second degree murder in the slaying of Asa Clark, Corning watchman, the night of January 8.

Judge Ryan probably sentenced Orr only 20 years because of his youth. Orr is 20. Harding was lucky to get off with less than life. He is 34, has a hardened appearance has been in some minor trouble before. At that Judge Ryan said he might have been sentenced 30 years had he not attempted to break out of the Brown county jail and caused other damage.

Orr and Harding were brought to the courtroom this morning when the work of motion day opened. Each was handcuffed throughout the procedure. Elmer Eiter, deputy, followed their every move. Orr was not considered treacherous, but Harding is thought the most dangerous prisoner ever held at Hiawatha or Seneca. He answer questions clearly , but his voice could hardly be called surly.

County Attorney Harry Lanning first explained to the court that first degree murder charges were filed against Biggs, Harding and Orr. Since Biggs died, the case was dismissed as to him. The attorney had prepared three counts, charging

first that Biggs fired the fatal shot, then Orr and Harding. Mr. Lanning told the court if Orr and Harding would plead guilty to second degree murder under the first count, he would dismiss the others.

Orr was asked if he wished an attorney. "I guess not," he replied.

Harding was asked the same question. His "no" was distinct.

Judge Ryan then asked Mr. Lanning if he would advise appointment of an attorney for Orr, though Orr probably knew as much as the average man. Mr. Lanning thought the appointment best. Clifford W. Baldwin drew the task. Less than a dozen persons, other than court officials and attorneys were in the room, though Commercial Law and Foreign Relations classes from the high school arrived in a few minutes.

Attorney Baldwin conferred with the men perhaps half an hour in one of the side rooms. Then they returned and the two pleaded, after Attorney Lanning had answered a query of the court to the effect he was satisfied the fatal shot had actually been fired by Biggs.

Orr was asked how he wished to plead, guilty or not guilty under the first count, or guilty of murder in the second degree. He gulped as he said guilty in the second degree. Harding gave the same answer, his voice clear but his face white.

Attorney Lanning then explained the facts of the case, points which are included in the statements of Orr and Harding, following this story. He recounted the numerous weapons carried by the men and in their car. He told the court Orr had been in no serious trouble before; that Harding served two or three months in jail on a vagrancy charge when arrested several years ago on burglary and vagrancy charges in California; was arrested but released at Wichita on suspicion of fur theft; had served some time in Brown county. Harding said later this was for breaking jail.

Attorney Baldwin told the court he was like Will Robers "Only knew what he saw in the papers" about the case before his appointment a few minutes earlier. He spoke in behalf of the men only on question of sentences. The court had the power to sentence from 10 years to life.

Judge Ryan did not talk at length before or after passing sentence. He referred to parole powers of the prison board and stated about all the court could do would be to fix a sentence which would be what he wanted if it could be carried out.

“These men would have not right to complain if they were sentenced a life term in the penitentiary and served it,” the court remarked, continuing that life may mean about 15 years under present handling of sentences. He stated first degree murder should

page 3

result in lie term — that he would hat to sentence a man to death but it would be better than to fix a life term and have it shortened greatly.

“These men went looking for trouble,” said the court. “They had in all probability about twice as many firearms as they could use. One can understand how it could be said Biggs deserved to die.

“Biggs got out too soon,” said the judge, in referring to sentence of Biggs in Brown county for selling stolen tires. He spoke of some recommendation for Biggs, though he would not parole him. “Nearly every time I get sympathetic I go wrong,” he said.

“Crime doesn’t pay. None of you has any money to hire an attorney.

“If you embark on an enterprise like this and one of you shoots a man you are all equally guilty. The taker of life should be punished. If the taker loses his own life he has no complaint.”

In closing, the court remarked the sentences would take a good chunk of each life, they would be lucky if not all their lives, but that there might be enough left for men to live as they should.

Story of the Crime

Raymond Orr made a statement the week following the capture of the criminals, providing what is believed a full explanation of the crime as he saw it. The statement was written in narrative form by County Attorney Lanning after Orr had told it, was then read and signed by Orr. County officers did not make the statement public because it was an “ace in the hole” if the case went to trial. Orr’s statement is given below. Following Orr’s statement is that of John Harding, who admitted details were correct but told officers he would sign nothing.

Statement of Raymond Orr made before the sheriff and county attorney of Nemaha county, Kansas, at the jail on the 13th day of January, 1934.

I am 20 years old, married and live with my parents at Auburn, Nebraska. My wife is staying with my parents at this time. I first saw Shorty, who was with me just before I was arrested and whose name I am told is John Harding, a year ago last summer and I became acquainted with him last fall when he was doing furnace repairing and cleaning at Auburn. He was down at my parents' place three or four times to visit with me. I knew him as Shorty and never did know his name or any other name that he went by until this week.

On Wednesday night, January 3, 1934, Biggs and Harding came to our home late at night after I had gone to bed and were put to bed. They stayed the next day and on Thursday night we went to a show. They stayed the next day also. They urged me to come down into Kansas with them and said we could do some robbing and get enough ahead to start some business on.

We left Auburn Friday evening between six and eight o'clock and drove down to Wheaton, Kansas, where we broke into a garage and robbed a general store and took some guns and various article of clothing. From there we drove to a place (later located near Delphos, Kansas.) I slept part of the way. We stayed at that place from Saturday morning until Monday evening. We left there Monday evening and drove to the Corning cemetery.

We parked the car, Harding's Essex, in the cemetery and walked back the highway toward Corning. A passenger train was stopped at the northwest corner of Corning taking on coal or something and as soon as it pulled out we walked on up the highway south to the Corning Main street. There we turned east and walked along the north side of the street to the first corner. Then we walked across the street toward the southeast and to the vacant lot between the filling station and the brick building.

Harding had a maul that we intended to use in getting into some store and he set it down on the west side of the brick building and went around the sound end of the building. Harding said he was going to go around the building and come up to the main street further east and watch the nightwatch until he went into the post office and then go across the street and get him as he came out. ("Get him" is understood to mean capture the nightwatch so he could not hinder the robbery. However, Mr. Clark did not go in to the postoffice. The prowlers probably thought he carried mail from the passenger train. The statement continues:)

Biggs and I stood in the low place west of the brick building and watched the nightwatch walk up the north side of the street. The nightwatch went into a vacant log on the north side of the street and up to a building (Hybskmann's hardware) and looked at something with his flashlight, then came back onto the sidewalk and wen west to the corner, then south across the street to the filling

station corner, then east on the south side of the street down past the filling station.

Just as the nightwatch came to the corner of the vacant lot Biggs stepped out on the sidewalk and stuck hi .45 against the nightwatch and told him to stick them up. The nightwatch did not stick up his hands, instead he stuck his right hand in his pocket and pulled out his gun. I was standing close to the building on the west side of the vacant lot and I saw the nightwatch and Biggs both put their right hands up in front of them just a little above their shoulder and I heard their guns clank against each other. Then I heard the nightwatch shoot and I saw Biggs step back and shoot toward the nightwatch.

I saw the nightwatch sort of raise up on his [shoes] a little when Biggs shot and I then turned and ran south alongside the building. I had a 12-gauge Remington automatic repeating shotgun in my hands and as I was running south I swung the shotgun around to the east and north and discharged it. I went a little way further and stopped. I do not remember of hearing any more shots but I hears Biggs say: "You got me, boy." Then I went back to the sidewalk and Biggs was standing there and Harding came up the sidewalk and got there just a little before I did.

Harding said to Biggs that he couldn't have hit him because he shot high. That was the only conversation I heard about who shot Biggs. So far as I know Harding could have fired the first shot and Biggs stepped back against the building and then shot.

We helped Biggs across the street to the corner and then went north. A little way down the street Biggs fell down. I helped him up and Harding went for the car. I helped Biggs out to the northwest corner of town and we waited there for Harding to come in the car. He came in a little while and we put Biggs into the car. I was in the driver's seat. I backed up to get on the highway and started to back to the south and Harding said for me to go the other way. We drove south past a school house and church and then east to Hundley's place.

Biggs was carried into the kitchen and undressed and then put on a cot in the northwest room. I ate a bite and drank a cup of coffee and then laid down for a while. When I got up Harding had moved the car behind and east of the house and cleaned the blood out of the car. Later we saw someone go by and then saw someone drive into the yard and Harding and I jumped out the north window and ran down by the timber. then we came back to the house and got in the car and drove south to the corner, then one mile east, then north to where we ran the car into the ditch and jumped out and ran and I was arrested.

We went into Corning for the purpose of robbing some store or other place. Harding had the maul and the black .38 Colt revolver; I had a sawed-off shotgun and Colt double action .45; Biggs had a Colt D.A. .45 and a .38 special revolver. I had the Cold D.A. .45 in a shoulder holster and I had a yellow jacket and sheepskin coat on over it. I did not take the Colt out of the holster and did not shoot it at all that night.

(Signed) Raymond Orr

The facts Harding acknowledged but would not sign:

That Briggs and Orr were in his Essex and parked at the Corning cemetery and walked into Corning. Harding carried maul. They intended to rob some place in Corning. Harding said he set the mail down on west side of the brick building and went back around through the gate and down the alley to the street. He then went north to the corner and was standing between the bank building and Myers' office and saw nightwatch round the corner on north side of street from north and go west. He stayed there while the nightwatch went up the block west, crossed the street and started down the south side toward the east. Then he heard some talking and three or four shots. He then shot once in the air to distract the officer. He had a .38. He then went up the street and past where the nightwatch was lying on the sidewalk. The other two fellows had gone on across the street to the northwest and then north and he was following them. A block or two north Biggs fell down and he caught up, then both of them helped Biggs to the northwest corner of town. Biggs and Orr then waited there until he went and got the car and picked them up. They drove to Hundley's. Hundley was there. Hundley left afterwards, for where he did not know. He said he did not know which one of the other two did the shooting.

Harding later said if the cases came to trial and Biggs attempted to should the crime on Orr, he would see Orr did not get blamed for something he did not do.

Not Model Prisoner

Officers at Hiawatha were happy when John Harding was brought from the Brown county jail to Seneca last week. 'The World says:

"John Harding has been transferred from the Brown county jail to the Nemaha county jail. As far as Brown county officers are concerned, his moving is unmourned, for a bull in a china shop has a pale lavender, wishy-washy character as compared to that of Harding when Harding is chafing under restraint. He was brought here from Nemaha county for safe-keeping while detained on a charge of participating in the murder of Asa Clark, nightwatch at Corning. With the

assistance of another prisoner Harding promptly dug into the innards of the 'escape-proof' Brown county jail, failing to escape, but causing officers more than a little annoyance. Accepting defeat for the time being with the equanimity of a philosopher, Harding set about devising other methods of rubbing salt into the wounds of his keepers. Somehow, he managed to rip off the covering on a complicated lock on his cell door. The lock operated through mechanism controlled by a switchboard. He was notified that if anything more like that happened he would be placed on bread and water, but he replied that if he went on such a diet he would hell all night long so that no one could sleep. Before officers had time to plan a counter attack to that he was taken to Seneca."

Harding is also said to have scratched all the paint off of his Brown county cell.

Undersheriff Huerter said Friday of last week Harding had not caused any trouble in the Seneca jail. He was held in the cells and corridor downstairs, Orr was held upstairs. Their only communication could be through a single inmate, Glen Dandliker, who had the freedom of the lower floor of the jail and could have crawled up the stairs and talked with Orr through the door. The Nemaha jail need remodeling so prisoners can be kept so they cannot communicate with one another. Harding was taken to Hiawatha in the first place so he and Orr, also Biggs, would be separated. Biggs' removal to hospital and his death made the jail situation somewhat easier.

Courier Tribune (Seneca, KS)
1 March 1934

Orr and Harding Taken to Prison

Were in Custody of Three Police Officers

Raymond Orr and John Harding were taken from the Seneca jail yesterday morning, on their way to Leavenworth to begin prison sentences of 20 and 40 years each for participation in the slaying of Asa Clark.

Officer took no chances with the prisoners. The two were manacled inside the jail, were taken to the sheriff's car. Harding was placed in the rear seat with Deputy Elmer Eiter beside him. Orr rode in the front with the sheriff. Downtown the others were to pick up John Miller, Seneca nightwatchman, who was interested in making the trip to view the prison for the first time.

Nemaha county's leading crime for years is thus brought to its final chapter. Wesley Biggs, believed the slayer is dead, Orr has a 20-year term ahead of him and Harding 40. Several persons have stated they would rather have a life term than Harding's 40 years, felling a lifer would have more chance for a parole. Both Harding and Orr, of course, may get some time off for good behavior. Harding has a resentful disposition, it is said. Likely he tore up the Brown county jail because he imagined some grievance. He caused no trouble at Seneca.

Officers expected to bring Ernest Hundley from Hiawatha on the return trip from Leavenworth. The Hundley's lived at the home where the Corning gang hid after Biggs was shot. A still was operated on the place. Hundley faces liquor counts.